

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS and ALONSO
VILLATORO,

Plaintiffs,

-against-

KELCO CONSTRUCTION, INC., et al.,

Defendant.

21-CV-9014 (JGLC)

ORDER OF DISMISSAL

JESSICA G. L. CLARKE, United States District Judge:

On September 12, 2024, the parties were directed to appear at a conference on September 27, 2024, at 11:00 a.m. to finalize settlement proceedings. See ECF No. 223. Plaintiffs failed to appear and failed to notify the Court of their absence. Plaintiffs were instructed that should they “fail to appear at the conference and continue in their failure to cooperate in finalizing the settlement of their case, their claims may be dismissed . . .” *Id.*

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if “the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order.” Fed. R. Civ. P. 41(b). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has notified Plaintiffs that failure to appear may result in the dismissal of their claims and because the Court has not received any response from Plaintiffs, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to terminate all pending motions and close the case.

Dated: September 27, 2024
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge